

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BECKMAN COULTER, INC.,

Plaintiff,

v.

CYTEK BIOSCIENCES, INC.,

Defendant.

C.A. No. 24-0945-CFC-EGT

**STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF  
LEAVE TO SERVE SUPPLEMENTAL INFRINGEMENT CONTENTIONS**

WHEREAS, in or around May 2025, Cytex Biosciences, Inc. (“Cytex”) launched a new product marketed as “Aurora EVO”;

WHEREAS, Plaintiff Beckman Coulter, Inc. (“Beckman Coulter”) and Cytex (collectively, the “Parties”) met and conferred regarding adding Aurora EVO to the case as an Accused Instrumentality;

WHEREAS, the Parties agreed that Cytex would produce technical documents for Aurora EVO and Beckman Coulter would serve supplemental infringement contentions to address Aurora EVO;

WHEREAS, Cytex produced technical documents for Aurora EVO on July 3, 2025;

WHEREAS, Cytex produced additional technical documents and served interrogatory responses after the February 14, 2025 deadline for Beckman

Coulter's Initial Infringement Contentions, including documents and interrogatory responses regarding Cytek's supply chain, product numbers and upgrades, and the composition and operation of the Accused Instrumentalities;

WHEREAS, the parties completed *Markman* briefing on July 27, 2025;

WHEREAS, on August 1, 2025, Beckman Coulter served First Amended and Supplemental Infringement Contentions addressing the Aurora EVO and the claim construction positions set forth in the parties' *Markman* briefing;

WHEREAS, the Court held *Markman* hearings on August 21, 2025 and September 17, 2025, and adopted constructions for the disputed claim terms;

WHEREAS, on October 1, 2025, Beckman Coulter narrowed the number of asserted claims pursuant to the Court's oral order at the September 17, 2025 *Markman* hearing to sixteen claims;

WHEREAS, on October 16, 2025, Beckman Coulter served Cytek with proposed Second Amended and Supplemental Infringement Contentions;

WHEREAS, Beckman Coulter seeks leave to serve supplemental infringement contentions to address, e.g., the Aurora EVO, the Court's constructions of disputed claim terms, and information obtained from Cytek's subsequent document production, which were not available when Beckman Coulter served its Initial Infringement Contentions, and contends that good exists to supplement its infringement contentions;

WHEREAS, Cytek indicated that it intends to serve supplemental invalidity contentions addressing third-party documents accessible after Cytek served revised invalidity contentions on July 11, 2025 (*see* 6/27/2025 Hearing Tr. at 37);

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, subject to the approval of the Court, that:

1. Beckman Coulter may serve its October 16, 2025 Second Amended and Supplemental Infringement Contentions; and
2. The parties agree to engage in good faith efforts to reach agreement regarding Cytek's forthcoming supplemental invalidity contentions.

/s/ Christine D. Haynes

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IT IS SO ORDERED this \_\_\_\_ day of November 2025

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The Honorable Colm F. Connolly